

85th Legislative Session – 2010

Committee: Senate Taxation

Wednesday, March 03, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Adelstein
P Howie
P Jerstad
P Maher
P Merchant
P Nelson
P Peterson
P Fryslie, Vice-Chair
P Hansen (Tom), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Tom Hansen.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 24, 2010

Moved by: Merchant
Second by: Fryslie
Action: Prevailed by voice vote.

HB 1270: revise the conditions pursuant to which the state may enter into tax collection agreements with Indian tribes.

Presented by: Representative Kevin Killer
Proponents: Whitney Meek, Self, Rosebud
Senator Jim Bradford
Representative Larry Lucas
Opponents: David Wiest, Department of Revenue and Regulation

MOTION: DO PASS HB 1270

Moved by: Howie
Second by: Merchant
Action: Prevailed by roll call vote. (6-3-0-0)

Voting Yes: Adelstein, Howie, Jerstad, Maher, Merchant, Peterson

Voting No: Nelson, Frysliie, Hansen (Tom)

MOTION: REMOVE HB 1202 FROM THE TABLE FOR IMMEDIATE CONSIDERATION

Moved by: Peterson
Second by: Jerstad
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Adelstein, Jerstad, Maher, Merchant, Nelson, Peterson, Frysliie, Hansen (Tom)

Excused: Howie

HB 1202: provide for the assessment of certain agricultural land as noncropland.

Presented by: Senator Jim Peterson
Proponents: Representative Kristi Noem
Michael Kenyon, Department of Revenue and Regulation
Matt McCaulley, SD Corn Growers Association (Handout: 1)

MOTION: AMEND HB 1202

1202tb

On the House engrossed bill, delete everything after the enacting clause and insert:

"

Section 1. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as follows:

For the 2011 assessed valuation of agricultural land and each subsequent year, the director of equalization shall make the same adjustments to each parcel of agricultural land as was made pursuant to § 10-6-33.1 prior to its repeal on July 1, 2009. Before removing or modifying any of these adjustments, a director of equalization shall request permission from the department. The secretary may require the director of equalization to remove or modify any adjustment by a written order to the director of equalization.

Section 2. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as follows:

If any complaint is filed by the secretary pursuant to § 10-1-31, then notwithstanding the provisions of chapter 10-6 requiring each county director of equalization to assess agricultural land within the county, the department may elect to assess all land classified as agricultural property in the county which is subject of the complaint pending resolution of the complaint. The department shall assess agricultural land within the affected county pursuant to the applicable provisions of chapter 10-6 to determine its agricultural income value.

Section 3. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as follows:

If the department elects to assess agricultural land pursuant to section 2 of this Act, the affected county shall transfer funds to the department to assess agricultural land on behalf of the county. The county auditor shall transfer an amount of funds that is equal to the total taxable value of agricultural land divided by the total taxable value of all property within the county times the amount of funds budgeted by the county for the office of the director of equalization. The county shall transfer fifty percent of such funds by December first of each year and the remaining fifty percent by the following June first.

Section 4. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as follows:

If the department elects to assess agricultural land pursuant to section 2 of this Act, the department shall notify the owners of agricultural property in the county with a special notice of the election by the department to calculate the agricultural assessments and shall recite the allegations set forth in the complaint. Within five days of the receipt of the proof and expense of mailing from the department, the county auditor shall transfer an amount equal to such cost to the department."

Moved by: Peterson
Second by: Maher
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1202 AS AMENDED

Moved by: Maher
Second by: Jerstad
Action: Prevailed by roll call vote. (7-1-1-0)

Voting Yes: Jerstad, Maher, Merchant, Nelson, Peterson, Fryslie, Hansen (Tom)

Voting No: Adelstein

Excused: Howie

MOTION: AMEND TITLE OF HB 1202

1202tta

On page 1, line 1, of the House engrossed bill, delete everything after "to" and insert "require the director of equalization to use certain factors and adjustments to assess agricultural land, to allow the Department of Revenue and Regulation to assess certain agricultural land, and to transfer certain county funds to the Department of Revenue and Regulation.".

On page 1, delete line 2.

Moved by: Fryslie
Second by: Nelson
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Nelson
Second by: Merchant
Action: Prevailed by voice vote.

Lois Henry
Committee Secretary

Tom Hansen, Chair